

# Notice of Allowability

Application No.

09/966,421

Examiner

Victor X. Nguyen

Applicant(s)

HOSSAINY, SYED F.A.

Art Unit

3734

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/31/2006.
2. ☒ The allowed claim(s) is/are 1-3,5-8,10-13,29-32,45-48 and 50-84.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***EXAMINER'S COMMENT***

1. The Notice of Allowance is responsive to applicant's amendment filed 8/31/2006. The amendment and arguments, see pages 11-17, filed therein has overcome the rejection of claims 1,7,45,54,62,68 and 73 under 35 USC 102(e) and 103(a) mailed on 6/7/2006. Therefore, the rejection of claims have been withdrawn.

2. The following is a statement of reasons for the indication of allowable subject matter:

The claims 1,45 and 73 in the instant application have not been rejected using prior art because no references, or reasonable combination thereof, could be found which disclose or suggest a stent body has depots on a surface of the stent body, where a second material configures to convert a first type of energy received by the second material from an energy source to a second type of energy, where the second type of energy promotes release of a therapeutic substance from a first material, where the second material is in the depots of the stent body and where the second material is disposed over a surface of the depots. As to claim 45, the prior art does not teach the invention including, a second material configures to convert non-cytotoxic electromagnetic waves received by the second material to a first type of energy, where the first type of energy promotes the release of the therapeutic substance from the first material, where the stent body includes cavities and where the second material is deposited in the cavities of the stent body and over the surface of the cavities. As to claim 73, the prior art does not teach the invention including, where a second material configures to convert a first type of energy received by the second material from an energy source to a second type of energy, where the

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second type of energy promotes release of a therapeutic substance from a first material, and where the second material is in the depots of the stent body, where the second material is different than surface material of the depots. As to claims 7, 54, 62 and 68, the prior art does not teach where a third material configured to convert a third type of energy received by the third material from an energy source to a fourth type of energy, where the fourth type of energy promotes release of the therapeutic substance from the stent body, and where the first type of energy and the third type of energy are electromagnetic energy, where the electromagnetic energy of the first energy type has a different wavelength than the third energy type.

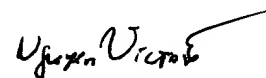
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X. Nguyen whose telephone number is (571) 272-4699. The examiner can normally be reached on M-F (8-4.30 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Victor X Nguyen  
Examiner  
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VN  
11/3/2006



MICHAEL J. HAYES  
SUPERVISORY PATENT EXAMINER